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SENATE BILL 185 By
Burchett

HOUSE BILL 433
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 , Part 5, relative to the punishment of certain sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-524, is amended by adding the following language as a new, appropriately designated subsection:

(e)(1) As a condition of community supervision for life, any person committing aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-503, aggravated sexual battery pursuant to § 39-13-504 or rape of a child pursuant to § 39-13-522 on or after July 1, 2001, shall, if not medically or psychologically precluded, be required to submit to medroxyprogesterone acetate treatment (MPA), or its chemical equivalent, as a part of a comprehensive treatment program under guidelines established by the Tennessee sexual offender treatment board and administered by the department of correction and the board of probation and paroles.

(2) MPA treatment shall not be administered until the department of correction has certified that such treatment is not precluded for medical or psychological reasons. Such certification shall be made by a qualified physician and psychologist approved by

the Tennessee sexual offender treatment board. In the event such providers certify that MPA treatment is not suitable medically or psychologically, the condition requiring MPA treatment may be waived. In the event that the MPA treatment is waived, the supervising authority shall be notified and shall adjust other treatment and supervision conditions to effectively monitor such person.

(3) Upon certification that the offender is medically and psychologically suitable, the MPA treatment shall be commenced by the department of correction prior to the offender's release on lifetime community supervision. After release, the offender will be monitored for compliance by the board of paroles as part of the supervision plan. If MPA treatment is required, the cost of such treatment shall be borne by the offender based upon such offender's ability to pay.

(4) The physician administering the MPA or its chemical equivalent shall provide a report and recommendation to the board of probation and paroles regarding the appropriateness of continued MPA treatment on an annual basis unless an earlier report and recommendation is warranted based on the offender's medical or psychological condition.

SECTION 2. Tennessee Code Annotated, Section 39-13-526, is amended by adding the following language as a new, appropriately designated subsection:

(d) If the offender violates the condition of community supervision requiring such person to undergo MPA or its chemical equivalent, pursuant to § 39-13-524(e), such violation shall be a Class A misdemeanor.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.